

Notice of Allowability

Application No.

10/618,169

Examiner

Sang Nguyen

Applicant(s)

ARMSTRONG, RICHARD

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/16/06.
2. ☒ The allowed claim(s) is/are 1-14 and 16-24 which have been renumbered as indicate claims 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

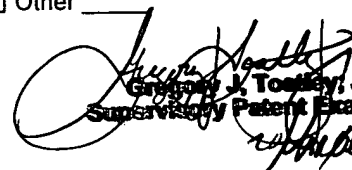
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Gregory J. Tostley, Jr.
Supervisory Patent Examiner

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows amendment on 03/09/06:

Claim 1 in line 11, the "he" delete and replaced by the--.

Response to Amendment

Applicant's response to amendment filed on 03/09/06 has been entered. It is noted that the application contains claims 1-14 and 16-24 and claim 15 has been canceled by the amendment on 03/09/06.

Allowable Subject Matter

Claims 1-14 and 16-24 are allowed.

As independent claim 1 is allowed overcome the prior art of record, taken alone or in combination, fails discloses or render a single sensor actuation system comprising all the specific elements with the specific combination including of at least one detectable element that is permanently located in a fixed position on the belt and sensed by the sensor when said detectable element is aligned with the emitted signal of the sensor and generates the reflected signal, and the sensor retrieving the reflected signal from said detectable element and sending the sensor return signal to a motor driving the belt to stop driving the belt in response to the retrieving when the at least one

detectable element is aligned with the emitted signal of the sensor, and the AC inverter sends sending a signal to an actuator of the platen to bring the platen down to press a tortilla when the belt has stopped moving in combination with the rest of the limitation of claim 1.

As independent claim 13 is allowed overcome the prior art of record, taken alone or in combination, fails discloses or render a method of actuating a second part of a tortilla machine comprising all the specific elements with the specific combination including of retrieving a returned signal from the detectable element and sending the returned signal from the sensor to an AC inverter when the first position is detected by the sensor, slowing the first part of the machine by a signal from the inverter to a drive of the first part, stopping the first part of the machine at a predetermined second position different from the first position, and actuating the second part of the machine when a signal from the drive of the first part of the machine goes to a zero frequency in combination with the rest of the limitation of claim 13.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Sang Nguyen whose telephone number (571)-272-2425. The Examiner can normally be reached on Monday through Friday From 9:30 AM to 6:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Gregory J. Toatley, Jr., can be reached on (571) 272-2800 ext. 77. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

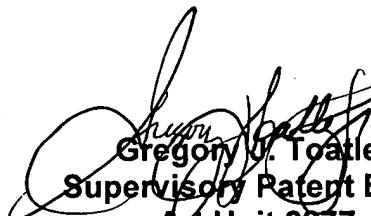
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SN

Patent Examiner
Sang Nguyen

March 16, 2006


Gregory D. Toatley, Jr.
Supervisory Patent Examiner
Art Unit 2877
Technology Center 2800
